

The Pouakani Report 1993

16 Waikato River

16.1 Introduction

In closing submissions, counsel for the claimants stated their concerns in respect of the Waikato river as follows:

The taking of land and the interests of the claimants in the bed and foreshore of the Waikato River for the purposes of hydro electric power development was, in the absence of consultation with the Maori people, a breach of the principles of the Treaty of Waitangi. It is claimed that the river area is a taonga of the Pouakani people for the purposes of the Treaty of Waitangi. (C7(b):5-6)

A further issue addressed in evidence and opening submissions was the ownership of the bed of the Waikato and the status of the bed of the river in respect of its navigability under s261 of the Coal Mines Act 1979 (A1(c):1-2). It was also suggested that there had been a lack of consultation with Maori and a failure by the Crown to take into account Maori attitudes and concerns at the time of construction of the hydro-electric power schemes on the Waikato river and land takings under the Public Works Act.

Several sets of issues are involved which we shall address in turn:

- the status of the Waikato as a taonga;
- the impact of hydro-electric power schemes; and
- the ownership of the bed of the Waikato.

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16.2 Ko Waikato te Awa

The Waikato provides the northern boundary of the Pouakani block. In places the river was deeply entrenched in rocky gorges. In other places there were river bank flats which provided easy access to the water. The river was not navigable over the whole section from Karapiro in the Maungatautari area, upstream to Huka Falls. At intervals the flow was broken by rocky outcrops which created dangerous rapids. In between, there were sections of the river which could be navigated by canoe. The main crossing places upstream of Whakamaru gorge were at Waimahana, Ongaroto and Atiamuri. Kainga were established there and occupied periodically.

The river banks and swamps were a rich source of bird life, and expeditions to snare birds were made periodically, as outlined in chapter 3. The river was just as much part of the living space and traditional resources as the land. The river was also the source of fish, especially kokopu (native trout), tuna (eels), and koura (freshwater crayfish). The river was therefore a mahinga kai, a food gathering place. In local Maori terms it was, and still is, regarded as a taonga, a highly-prized resource, by the hapu who occupied the area.

The Waitangi Tribunal has already found in the case of the Kaituna river in the Bay of Plenty that there was no distinction between river, estuary, sea and land. The tribunal found that:

traditional rights of ownership carry with them the free and uninterrupted right to fish the river, the estuary and the sea, together with the use and enjoyment of the flora adjacent to it.

The tribunal also concluded that: "these traditional rights continued uninterrupted to this day". {FNREF:0-86472-117-XA:16:1}

Such traditional rights to fisheries, mahinga kai and other taonga are guaranteed in the Treaty of Waitangi. There is no reason to consider the Waikato river, where it flows along the margins of the Pouakani block, any differently. Indeed, kaumatua present at the Pouakani hearings were adamant that the Waikato is regarded as a taonga. Any pollution or obstruction of the river was considered likely to detract from the spiritual as well as physical quality of this taonga.

In the *Report of the Waitangi Tribunal on the Manukau Claim* (Wai 8) reference was made to the river's significance to the tribes of the lower Waikato:

The Waikato River offered much more than a network for inter-tribal travel and communication. The river, its swamps and tributaries, provided food - eel, freshwater crayfish, whitebait, mullet, flounder,

shellfish, waterfowl and wild vegetables. It provided irrigation for kumara, taro and hue. Whitebait has particular importance. The river supports what is generally considered to be the North Island's most important whitebait fishery {FNREF:0-86472-117-XA:16:2}

Just as Tia gazed on the muddied Waikato water at Atiamuri, disturbed by human interference upstream, so too do the Tainui tribes downstream of the Pouakani block have an interest in their river in its upper reaches. The *Manukau Report* went on to state:

It is difficult to over-estimate the importance of the Waikato River to the Tainui tribes. It is a symbol of the tribes' existence. The river is deeply embedded in tribal and individual consciousness. Like Manukau it has its taniwha or guardians, but unlike Manukau, there is a taniwha at each bend. The river has its own spirit. It is addressed in prayer and oratory as having a life force of its own. The spirits of ancestors are said to mingle and move with its currents.

When Waikato people are sick, uncertain or about to undertake a journey or new venture they seek the blessing of the water and the protection of their ancestors by immersion or sprinkling. Its curative and healing powers were claimed by several witnesses from personal experiences. {FNREF:0-86472-117-XA:16:3}

The role of water in ritual and the spiritual qualities of rivers and other water bodies can vary in expression from tribe to tribe and place to place. However, there is among all tribes a continuing and all embracing theme of acknowledging traditional holistic concepts of water in both physical and spiritual, tangible and intangible senses. An overview of these issues can be found in a paper by Tipene O'Regan:

Traditionally, we have a whole range of statuses for water. All of which derive from the environmental and social realities that the old people found themselves in. It is my view that Maori beliefs (their religion) were a product of their relationship with the physical environment. Our atua, whom I don't call gods because I think that is a misconception, are the atua who provided earlier Maori with a science that was fashionable before science. These atua provided them with a rational and orderly way of living and of perceiving their world. It was through these atua that our old people related to the physical world. The physical world was those atua. Tane was a tree, also Tane was a person, likewise, water was Tangaroa. They were not silly, they knew water was wet and all that, but they also knew it as Tangaroa. There was a unity in their perceptions Up until the present when our old people look at a river or a mountain they see it in very real terms as being a whole range of things. Its atua is personified, it is rock, it is a resource to be exploited and used, it may be cold, it may have all sorts of different qualities with the light shining on it or in shade, and it is all those things at once. That is not a very difficult or mystical perception of existence. As I understand it, what most natural sciences are involved in today is interdisciplinary studies. Instead of chopping up

the world into segments modern scientists are trying to tie it all together again and call it environmentalism

I am not saying that because my mountain is an atua, or because my river too represents an atua, that they should not be touched or used. One of the more endearing characteristics of Maori is their capacity to tie the practical together with their theological beliefs

Difficulties arise when we come to water used for rituals. It is unacceptable to us to go to those places where the waters of ritual are important for our old people, and they are polluted; whether that water is to bless our children, or to lead us in karakia and in other important ritual. The most important places must be free of pollution. {FNREF:0-86472-117-XA:16:4}

Pei Te Hurmui Jones wrote of the significance of the Waikato river to Tainui people, but acknowledged the variations in tribal perceptions of the river:

In song and story the Waikato River has exercised its influence upon the land through which it flows and upon the people who live along its banks. The river has played an important part in the history of Tainui people

A Waikato tribal version of the naming of the river itself states that the name is descriptive, and that the river Tongariro ... which is snow-fed from the mountains Tongariro and Ruapehu and flows into Lake Taupo at its southern end, is also part of the Waikato River. But the Taupo Lake people do not agree with this claim. The Waikato tribal account describes how the waters (wai) of the mountain river were captured or kato by the inland sea of Taupo. Thus we have Waikato (the captive waters)

In ancient times the lakes, leisurely streams and the Waikato River never failed as sources of food and fish for the numerous tribes in the area {FNREF:0-86472-117-XA:16:5}

Sir Apirana Ngata described the significance of the Waikato river in his account of a visit to the Waikato district in 1900:

There the Waikato river wends its way often splitting the very sources of the earth to be disgorged into the West Coast. Te Heuheu at Tongariro has the source, where legend has it a taniwha smote the rock and out of it gushed forth the river Waikato to make for itself a path through the lake of Taupo. Eschewing the Arawa domain, it wends its way, gathering strength from its many tributaries until at Ngaruawahia it is joined by the Waipa which in its turn has gathered in all the Maniapoto tributaries, and thus reinforced, it flows by Taupiri and makes for the Tamaki River - Tamaki Makaurau. Alas it is diverted by the land formation and disgorges through the sandy wastes of the West Coast into the ocean {FNREF:0-86472-117-XA:16:6}

There are many versions of a story about how the Waikato river was formed. Some Waikato versions tell of the journey in search of fresh pure water for the ailing daughter of a chief living at Taupiri. Among Ngati Tahu and Ngati Manawa of the Kaingaroa plains is a story of the rivalry between the two rivers, Waikato and Rangitaiki, both searching for an outlet in the Bay of Plenty. Several versions of the story have Waikato flowing past Maungatautari into the Hinuera valley in search of a route to the Bay of Plenty. Blocked by the hills of Kaimai and Mamaku the river turned north through what is now called the Thames valley to the sea at Hauraki. Geologists have demonstrated that indeed the river has changed its course periodically and did at times flow into Hauraki lands. However, the river heard the pounding surf of the western seas, Tainui Awhiro, and was diverted again, flowing north from Piarere and Karapiro to Taupiri; into the swamplands south of the Bombay hills, and west to the sea.

In 1975 the Tainui Maori Trust Board lodged an application for investigation of title to the bed of the Waikato river in the Maori Land Court. The bed of Lake Taupo and the Waikato river downstream to and including Huka Falls had already been acknowledged as "Taupo waters" of Ngati Tuwharetoa in the Native Land Amendment and Native Land Claims Adjustment Act 1924. Similar proceedings in respect of other lake beds had acknowledged traditional ownership and use. {FNREF:0-86472-117-XA:16:7} The Tainui application to the Maori Land Court was adjourned sine die. Since then the Waikato river has been included in claims lodged by the Tainui Maori Trust Board with the Waitangi Tribunal.

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16.3 The Impact of Hydro-Electric Power Schemes

The Waikato river has been greatly modified between Lake Taupo and Karapiro by the construction of a series of hydro-electric power schemes. The first of these was Horahora, built in 1913 for the Waihi Gold Mining Company and later purchased by the Crown. In 1929 Arapuni was completed. Through the 1930s geologists surveyed the gorges of the Waikato and had identified up to ten potential dam sites by 1939. Work on control gates where the Waikato flows from Lake Taupo was carried out in 1940 to 1941. Further development was delayed by World War Two and it was not until 1947 that Karapiro was commissioned. During the late 1940s and 1950s several dams were constructed on the section of river which borders Pouakani block. These were:

- Maraetai I: built during the late 1940s and commissioned in 1952.
- Whakamaru: built during the early 1950s and commissioned in 1956.
- Waipapa: built in the late 1950s and commissioned in 1961.
- Maraetai II: commenced in 1959 and completed, after a break in construction, in 1970.

The township of Mangakino was constructed in the late 1940s as a living place and headquarters for these construction projects, a "hydro town" with its own distinctive character. In 1952 the population exceeded 5,000. The town also serviced the construction of Atiamuri and Ohakuri schemes further upstream which were commissioned in 1959 and 1961 respectively. In the 1940s the Mangakino site was covered in scrub and there was no road. The town owed its existence to the hydro schemes and the roads constructed gave access which allowed development of the land for farming in the 1960s. The land required for the township (about 273 hectares) was leased from the Maori owners for 20 years, expiring in 1969. {FNREF:0-86472-117-XA:16:8}

The land required for dams, power stations, switchyards and other works as well as land flooded by hydro lakes, was taken under the Public Works Act in a series of proclamations over the period 1949-1982. The Department of Survey and Land Information prepared a series of plans to illustrate the riparian lands of the Pouakani block taken by the Crown for hydro-electric power purposes. These were presented to the tribunal and are reproduced in appendix 16. Much of the land involved was already sold to the Crown. The Ngati Kahungunu owners of Pouakani No 2 block (the "Wairarapa Exchange" land) lost 479 hectares or 3.88 percent, of their land holdings between 1949 and 1963.

Counsel for claimants commented that there was no "process set up which involved the local tangata whenua in the series of decisions which turned this stretch of the river into a succession of three artificial lakes". The Electricity Corporation presented

a submission to the tribunal, noting that the construction was carried out in the national interest at a time when there was considerable public demand for expanding electricity generation facilities:

The national electricity supply system was under considerable stress. For example, if one refers to the Minister in Charge of State Hydro's, Statements in the Annual Reports of the years immediately following the Second World War, the picture is one of power shortages, emergencies and restricted supply. Mention is also made in the reports of the post war difficulties in obtaining supplies of equipment for new stations. (B19:5)

The 1950s was also a time of less environmental awareness, nearly two decades before the passing of the Water and Soil Conservation Act 1967 with its provisions for public participation in water rights applications. There was a much greater level of public acceptance of the hydro-electric power schemes in the 1950s than might be so today. There was no legislative requirement to consult with local people. Counsel for the Electricity Corporation stated:

The right of Tangata Whenua to special consultation and consideration under the law is a developing area

One can only speculate on the outcome of any consultations which might have taken place in the late 1940's. The last 40 years have seen major social changes so it is difficult to treat the attitudes of that time from the present perspective

At the local level as with the Tangata Whenua there can be conflict between the aspirations of the wider community and local people. However in this particular situation, the country's need for electricity was seen as particularly dominant, and one can argue that power cuts and restrictions would have positively affected local perceptions of the proposals. (B19:6)

The claimants produced little evidence of specific adverse impacts of the hydro schemes. The Electricity Corporation, in noting some positive benefits of recreational use of hydro lakes and fisheries, also acknowledged negative impacts such as dams acting as a barrier to eels. No evidence was presented to us on the impact of dams on fisheries. The Electricity Corporation referred to advances in design of "eel passes" and a willingness to discuss this and related issues with local people.

One of the obvious visual impacts of the power schemes is the flooding of land by hydro lakes. There was no survey of archaeological sites and many wahi tapu along the river banks were flooded. The claimants did refer specifically to the loss of the "Waipapa rock paintings" at the confluence of the Waipapa and Waikato rivers. {FNREF:0-86472-117-XA:16:9} Other rock paintings had been submerged by Lake Arapuni. {FNREF:0-86472-117-XA:16:10} Hot springs at various places, such as Waimahana on the Pouakani block have also been submerged. Two thirds of the active geothermal area including geysers and the papakainga at Orakei Korako, and hot springs and wahi tapu at Te Ohaaki, were submerged by the Ohakuri hydro lake.

We acknowledge it is difficult sometimes to achieve a balance between development of energy resources in the national interest and the concerns of local people. In the case of the Waikato hydro-electric power schemes of the 1950s, local Maori concerns were not considered important and many places significant to Maori were "lost". Such losses are not compensated for by money paid out for land taken under the Public Works Act. The failure to acknowledge the significance of wahi tapu in Maori terms has contributed to a sense of powerlessness and grievance among Maori people in all the areas affected by Waikato hydro-electric power schemes.

The Electricity Corporation is a state-owned enterprise which has taken over the operation of the Waikato power schemes established by Crown agencies, the Electricity Department and latterly the Electricity Division of the Ministry of Energy. As part of the asset sale and purchase agreement with the Crown, the corporation has undertaken to apply for renewal of water rights for all of its power stations within 15 years. We note that the provisions of the Resource Management Act 1991 require that the principles of the Treaty of Waitangi be taken into account. The corporation stated that it considers consultation with tangata whenua "essential in the spirit of the Treaty of Waitangi", and has already initiated meetings at Mangakino and Arapuni and sponsored a local canoe project. We suggest that this sort of informal local consultation be encouraged. At such time as new water rights are being sought, there is also provision for Maori concerns to be heard.

As a state-owned enterprise the Electricity Corporation is also bound by the Treaty of Waitangi (State Enterprises) Act 1988. The land transferred to the corporation does not include all that was taken under the Public Works Act, only that "reasonably required for commercial purposes", such as areas covered by a dam, power station, switch yards and related structures. The corporation does not own any beds of lakes or rivers which are expressly excluded from transfer in the asset sale and purchase agreement. The margins of much of the hydro lakes remain Crown land under the stewardship of the Department of Survey and Land Information or the Department of Conservation. The Waikato Regional Council has a mandate to manage the resources of the Waikato river but we did not have the benefit of any submissions on this from the council.

There are many public issues in relation to the management of the Waikato, such as public recreation and water quality for supply of towns downstream. These are issues affecting the whole river system, beyond the scope of this claim and not canvassed in evidence presented to the tribunal. We make no specific recommendations at this stage. The active participation by Maori in the wise use and management of the resources of the Waikato river is an issue that needs to be addressed in a framework embracing the whole river system and all the tribes involved. We commend the initiatives of the Electricity Corporation in attempting to establish better communication with local Maori.

We make a general recommendation that the issue of Maori participation in the control and management of the resources of the Waikato river, including fisheries, be actively pursued by the relevant Crown agencies and the Waikato Regional Council. The Resource Management Act at s8 makes provision for taking into account the principles of the Treaty of Waitangi. It is not spelled out precisely how this is to be implemented. The Act at s6(e) also includes as a matter of national importance, "The

relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga". Active Maori involvement in resource management requires Maori participation in policy and management decisions, not passive consultation as and when officials may see fit. The wise use and management of the resources of the Waikato is a matter of concern to all the tribes of the Waikato catchment, as well as to the public in general.

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16.4 The "Ownership" of the Bed of The Waikato River

It has often been assumed that the beds of rivers and lakes are vested in the Crown, but this issue is far from clear. In 1950 a royal commission inquiring into Maori claims on the Whanganui reviewed earlier proceedings in the Maori Land Court which had concluded that the bed of the river was owned according to Maori custom. {FNREF:0-86472-117-XA:16:11} The issue was whether riparian owners had an exclusive right as whanau or hapu, or whether a larger tribal group controlled local use of the river, as distinct from a general "right of passage". There were other proceedings, in particular the decisions in respect of Rotorua, Taupo and Horowhenua lakes, which confirmed customary Maori ownership of land covered by water. {FNREF:0-86472-117-XA:16:12} In these instances, the Crown reached separate agreements with the tribes concerned. More recently, a separate agreement was reached in respect of Waikaremoana, set out in the Lake Waikaremoana Act 1971.

Ownership of land covered by water also raises questions of fishing rights, and there is a suggestion that such rights survive when the adjacent land is sold. These agreements for lakes suggest Crown acknowledgment of a separate identity for the land covered by water by negotiating its acquisition, but maintaining separate arrangements with respect to fishing. Section 14(1) of the Native Land Amendment and Native Land Claims Adjustment Act 1926 provide that:

The bed of the lake known as Lake Taupo, and the bed of the Waikato River extending from Lake Taupo to and inclusive of the Huka Falls, together with the right to use the respective waters, are hereby declared to be the property of the Crown, freed and discharged from the Native customary title (if any) or any other native freehold title there to

This legislation followed negotiation over fisheries, the destruction of kokopu (native trout) and koura (freshwater crayfish) by introduced trout species, and a share of fishing licences as compensation. The Tuwharetoa Maori Trust Board was set up to administer funds received as a result of this agreement. The beneficiaries of the board were later determined by the Maori Land Court to be the owners who had been determined in the blocks of land adjacent to the lake, the tributary streams, and the Waikato river to Huka Falls.

In the case of the Whanganui river and in the determination of beneficiaries of the Taupo agreement, British common law principles applied. In the case of rivers, the *ad medium filum aquae* rule is used, that is, riparian owners own the land to the middle line of the river. The issue is whether a portion of a river adjacent to land sold, with or without relevant fishing rights, is also sold. Most interpretations suggest that sale of Maori freehold land on a river bank also included any rights to the river bed and

fisheries. {FNREF:0-86472-117-XA:16:13} Related to that is the issue of whether a Crown taking of riparian land by proclamation under the Public Works Act includes the adjacent portion of the river bed and fisheries. The land described in such proclamations and relevant plans is that on the banks above water line and there is no reference to the bed of the river. {FNREF:0-86472-117-XA:16:14} If such land is subsequently covered by the water of a hydro lake and a fishery, then does the Crown acquire rights to the fishery?

All the foregoing discussion was academic if the river could be described as "navigable". In the Coal Mines Act Amendment Act 1903 the principle of *ad medium filum aquae* was replaced by a declaration of Crown ownership of the beds of navigable rivers. In a decision of the Court of Appeal it was argued that the Waikato in the Huntly area was used for public navigation. {FNREF:0-86472-117-XA:16:15} The 1903 legislation survived in s261 of the Coal Mines Act 1979, which was repealed by s120 of the Crown Minerals Act 1991. However s354(1) of the Resource Management Act 1991 provides that this repeal shall not affect any title to land already acquired by the Crown under s261. This then raised the issue of 'confiscation' by the Crown of the beds of rivers and their fisheries in the sections of river that were navigable.

The issue of whether riparian owners or the Crown "owned" or had rights in a river turned on the definition of 'navigable'. Section 261 of the Coal Mines Act 1979 provided:

1. For the purpose of this section -
"Bed" means the space of land which the waters of the river cover at its fullest flow without overflowing its banks:
"Navigable river" means a river of sufficient width and depth (whether at all times so or not) to be used for the purpose of navigation by boats, barges, punts or rafts.
2. Save where the bed of a navigable river is or has been granted by the Crown, the bed of such river shall remain and shall be deemed to have always been vested in the Crown; and, without limiting in any way the rights of the Crown thereto, all minerals (including coal) within such bed shall be the absolute property of the Crown.
3. Nothing in this section shall prejudice or affect the rights of riparian owners in respect of the bed of non-navigable rivers.

The Waikato above Cambridge was not navigable all the way to Taupo. There were sections of river which could be navigated by canoe but the course of the river was broken by a succession of rapids and waterfalls. There was no definition in terms of s261 of which sections of the river were "navigable". If rapids could be negotiated by a modern jet boat, did this make them navigable? In the case of the Whanganui and other rivers, sections of river were made navigable by blasting out obstructions in the bed. {FNREF:0-86472-117-XA:16:16} Since the construction of the hydro-electric power schemes on the Waikato, it could have been argued that the sections of river impounded behind dams have been made navigable. However, in the case of the Whanganui, it was determined that riparian owners had rights *ad medium filum aquae*. We found the law on rivers in this respect to be confused and confusing.

We had the benefit of a legal submission by Mr Austin on s261 of the Coal Mines Act 1979 which sets out in more detail and full legal citation the issues summarised here. We have included Mr Austin's paper in full as appendix 15. He made the point that s261 could best be seen as an extension of the prerogative rights of the Crown to the seas, foreshores and tidal waters, rather than as proprietary rights. Once again, the tribunal was reminded of the fundamental issue of the imposition of British common law over customary uses and tenure of land and resources of Maori tribes. This is a constitutional issue which transcends argument about a particular section of the Waikato. Similar issues are being argued in other claims before the Waitangi Tribunal.

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16.5 Findings and Recommendations

The Waikato is a taonga of the tribes of Tainui waka and Ngati Tuwharetoa. By various actions of the Crown, or worse by the Crown's failure to acknowledge Maori concerns about wahi tapu, fisheries, taha wairua (spiritual qualities), mahinga kai and other rights, the mana of these tribes has been devalued. An agreement was reached with Ngati Tuwharetoa which acknowledged Maori interests in respect of Lake Taupo and the Waikato river to Huka Falls. Maori claims to the river downstream and its fisheries remain unresolved.

It would seem that the taking of river margin lands for hydro-electric power purposes by the Crown under the Public Works Act did not include rights in the river *ad medium filum aquae*. The plans referred to in proclamations under the Public Works Act, (summarised in appendix 16) show boundaries which exclude the river bed. That the Crown may have assumed at the time of proclamation that it already owned the river bed does not affect the central issue, which is that ownership of the river bed and rights to the resources of the river remain unresolved. The specific impacts of the hydro-electric power takings on Pouakani block are the subject of a separate claim to the tribunal (Wai 85), lodged on behalf of Ngati Kahungunu ki Pouakani who are the owners of Pouakani No 2 block given by the Crown in exchange for the Wairarapa lakes. We did not receive any evidence on the status of lands taken under the Public Works Act for hydro-electric power purposes but not transferred to the Electricity Corporation. We do not know which of these lands remain under the stewardship of the Department of Conservation. We simply remind the Crown of the provisions of s4 of the Conservation Act 1987: "This Act shall so be interpreted and administered to give effect to the principles of the Treaty of Waitangi".

The repeal of s261 of the Coal Mines Act 1979 has not resolved the issue of ownership of river beds. Furthermore, we consider the conflict between Maori rights, the Crown and the public interest in general, over the ownership and use of rivers has implications far beyond the scope of the claims before this tribunal. We therefore recommend that the Crown give urgent attention to addressing these matters in the national interest.

References

1. *Report of the Waitangi Tribunal on the Kaituna River Claim* (Wai 4), (Waitangi Tribunal, Department of Justice, Wellington 1984), p 31
2. *Report of the Waitangi Tribunal on the Manukau Claim* (Wai 8) (Waitangi Tribunal, Department of Justice, Wellington July 1985) p 51
3. *ibid* p 72

4. S T O'Regan "Maori Perceptions of Water in the Environment, An Overview" in E M K Douglas (ed) *Waiora, Waimaori, Waikino, Waimate, Waitai, Maori Perspectives of Water and the Environment* (Hamilton 1984) pp 9-10
5. P Te H Jones *Potatau An Account of the Life of Potatau Te Wherowhero, the First Maori King* (Wellington 1959) pp 234 and 242
6. quoted in Tainui Trust Board submission to Maori Land Court, Mahuta 1975
7. Law Commission 1989 pp 74-79
8. *New Zealand Gazette* 1949 pp 2491-2492
9. The Waipapa rock paintings were reported by F Davies and W Ambrose in the "Report of the National Historic Places Trust for the Year ended 31 March 1957" in AJHR 1957 H-27
10. M Trotter and B McCulloch *Prehistoric Rock Art of New Zealand* (Auckland 1981) p 40
11. AJHR 1950 G-2
12. Law Commission 1989 pp 76-79
13. *ibid* p 167
14. see plans in appendix 16
15. *Mueller v Taupiri Coal Mines Ltd* (1902), 20/NZLR 89
16. Law Commission 1989 pp 164-165

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